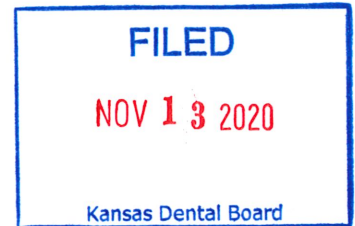


BEFORE THE KANSAS DENTAL BOARD

In the Matter of the Licensure of:)
JANE M. GROVE, D.D.S.)
Kansas License No. 60252,)
Respondent)
_____)

Case No. 18-91



STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board ("Board") and Jane M. Grove, D.D.S. ("Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, LLP, 1414 SW Ashworth Pl., Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by her attorney, _____.

2. The Board is the Kansas agency vested with the authority, pursuant to K.S.A. 74-1404 and K.S.A. 74-1406, to carry out and enforce the provisions of the Kansas Dental Law, K.S.A. 65-1401 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice dentistry.

3. The Respondent is presently entitled to engage in the practice of dentistry in the State of Kansas by reason of the Board having issued her Kansas license number 60252. At all times relevant hereto, the Respondent has held a current license to engage in the practice of dentistry in the State of Kansas.

4. The Board's Investigation Member has received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1436(a) which would justify the revocation or imposition of other disciplinary action against her Kansas License under the provisions of K.S.A. 65-1436(b)

and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1436(d).

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded, and passed, the Board finds, that:

A. On March 12, 2020, Respondent and the Missouri Dental Board entered into a document styled *Settlement Agreement Between Missouri Dental Board and Jane M. Grove, D.D.S.* ("Missouri Settlement Agreement"). A true and correct copy of the Missouri Settlement Agreement is marked Exhibit A, attached hereto, and incorporated herein by reference. The Joint Stipulations of Fact appearing in paragraphs numbered 1 through 25 of the Missouri Settlement Agreement are specifically incorporated herein as findings of the Board.

B. As part of the Missouri Settlement Agreement Respondent agreed and stipulated that she had violated various provisions of the Missouri Dental Law and agreed to surrender her Missouri license to practice dentistry.

6. Upon motion duly made, seconded and passed, the Board finds that Respondent's conduct as described in the Missouri Settlement Agreement and the Missouri Settlement Agreement itself subject her Kansas license to discipline pursuant to K.S.A. 65-1436(a)(3) as defined at K.S.A. 65-1436(c)(2) and pursuant to K.S.A 65-1436(a)(18).

7. The Respondent agrees and consents, and the Board finds and concludes, that the following disposition is just and appropriate under the circumstances:

A. LICENSE RESTRICTION. Respondent agrees, and the Board further orders that Respondent's License is hereby limited to prohibit her, until further order of the Board, from:

- i. prescribing sedative agents to a patient;
- ii. administering sedative agents to a patient other than nitrous oxide, oxygen, and/or a local anesthetic; or
- iii. performing dental procedures on a sedated patient, other than through the administration of nitrous oxide, oxygen, and/or a local anesthetic.

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order she must, and the Board further orders the Respondent to:

1. Comply fully with this Stipulation and Consent Order; and
2. Comply fully with the Kansas Dental Act, the Board's rules and regulations and all state and federal laws relating to Kansas dentists.

8. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

9. The stipulations and orders contained herein shall not become binding until this Stipulation and Consent Order is approved and entered by the Board. The Respondent acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

10. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. The Respondent further agrees that the Kansas Dental Act, K.S.A. 65-1421 *et seq.*, is constitutional on its face and as applied in this case.

11. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

12. The Respondent acknowledges that she has the following rights:

- A. To have formal notice of charges served upon her;
- B. To file a response to the charges;
- C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- D. To take advantage of all applicable provisions of the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order.

13. The Respondent acknowledges that she enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of her choosing. The Respondent further acknowledges that she has read this Stipulation and Consent Order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary, or capricious.

14. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

15. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

16. Upon execution by all parties and entry as an order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

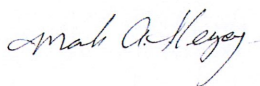
17. This Stipulation and Consent Order shall become effective on the day it is approved, accepted, and made an order of the Board by way of signature of the Board's President or the President's authorized representative.

18. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of this Stipulation and Consent Order to file a petition for reconsideration with the Board and the right within 30 days after service of the

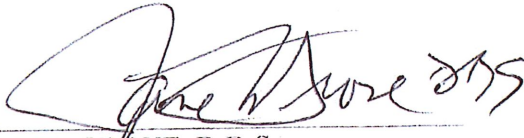
Stipulation and Consent Order to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Kansas Dental Board by serving B. Lane Hemsley, its Executive Director, at 900 SW Jackson, Room 455-S, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 13 day of November, 2020.

KANSAS DENTAL BOARD

By: 
MARK HERZOG, DDS
President

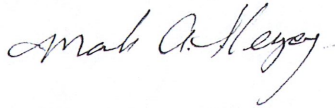
AGREED AND APPROVED BY:



JANE M. GROVE, D.D.S.

Date

9/17/2020



MARK HERZOG, D.D.S.
Investigation Member

Date

11/13/20

Respondent's Attorney's Name & Address

Date



Randall J. Forbes #09089
FRIEDEN & FORBES, LLP
1414 SW Ashworth Pl., Suite 201
Topeka, Kansas 66604
TEL: (785) 354-1100
FAX: (785) 354-1113
Disciplinary Counsel for the Kansas Dental Board

Date

09/23/2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **STIPULATION AND CONSENT ORDER** was served by depositing same in the United States mail, postage prepaid, this 18th day of November, 2020, addressed to:

Randall J. Forbes
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Jane M. Grove, DDS
501 South Railroad Ave.
Atwood, KS 67730


Representative of the
KANSAS DENTAL BOARD

**SETTLEMENT AGREEMENT BETWEEN MISSOURI DENTAL BOARD
AND JANE M. GROVE, D.D.S.**

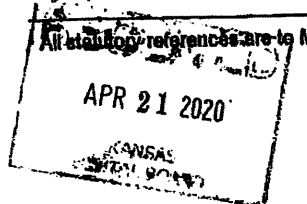
Come now Jane Grove, D.D.S. ("Licensee") and the Missouri Dental Board ("Board") and enter into this settlement agreement ("Agreement") for the purpose of resolving the question of whether Licensee's license as a Dentist will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to her.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are supported by sufficient evidence with which they could be found true following an evidentiary hearing before the Missouri Administrative Hearing Commission

All statutory references are to Missouri Revised Statutes 2016, as amended, unless otherwise indicated.



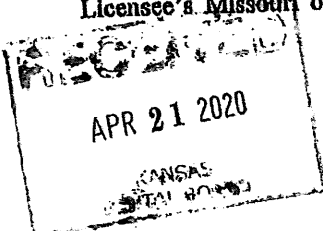
or Board. In lieu of formal proceedings, however, Licensee stipulates with the Board that her Missouri dental license, number 014075, is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 332, RSMo.

Joint Stipulations of Fact and Conclusions of Law Facts

1. The Board is an agency of the State of Missouri created and established pursuant to § 332.021, RSMo, for the purpose of executing and enforcing the provisions of Chapter 332, RSMo.
2. Licensee is licensed by the Board as a dentist, License No. 014075. Licensee's license was originally issued on or about January 4, 1984. At various times in the past Licensee maintained a Missouri office for treatment of patients which was located at 206 West Mill Street in Liberty, Missouri ("office").
3. The Board has alleged that on or about April 27, 2017, the Board received a Uniform Complaint Form ("Complaint") filed by C.J., a Licensed Practical Nurse employed by Mosaic Life Care Center ("MLC") in Kansas City, Missouri, against Licensee.
4. Specifically, the Complaint alleged that patient J.C.W. ("J.C.W." or "Patient") was seen at MLC on April 26, 2017, for concerns regarding a possible over-sedation by her dentist, Grove, which occurred during a root canal procedure undertaken by Grove on J.C.W. two days earlier, on April 24, 2017.
5. Subsequently, the Board initiated an investigation into the Complaint's allegations against Licensee, and has alleged the facts contained in the following paragraphs.

Improper Prescribing and Patient Assessment

6. During an initial consultation appointment which took place on April 18, 2017, J.C.W. consulted with Licensee concerning tooth pain she was experiencing. This appointment took place at Licensee's Missouri office. Licensee ordered X-rays, and informed J.C.W. that she needed a root



canal procedure, which became scheduled for April 24, 2017. Licensee also wrote the following prescriptions for J.C.W. to take prior to the time of the scheduled root canal procedure:

- a. Vistaril 50 mg – "take two tablets 45 min prior to appointment";
- b. Clindamycin 150 mg – "2 tabs QID [4 times per day] until gone";
- c. Diflucan 150 mg – "1 tablet as directed";
- d. Meperidine 50 mg – "2 tablets 45 min. before appointment";
- e. Ativan 2 mg – "2 tablets 2 hours prior to appointment".

7. Licensee prescribed the combination of medications to J.C.W., as set forth above, in order to sedate J.C.W. for her root canal procedure and thereby attempt to reduce the pain and anxiety which can be associated with the procedure.

8. Licensee erroneously believed that she was permitted to administer enteral and/or parenteral moderate sedation and deep sedation/general anesthesia to her patients based upon her longtime practice of dentistry. She erroneously believed that when the law changed to require a license to provide such sedation that she believed Dentists practicing prior to the change in the law were "grandfathered" in under the law and were qualified to administer such sedation.

9. Licensee did not possess a permit, as required by Board Rule 20 CSR 2110-4.020, to administer "enteral and/or parenteral moderate sedation" to J.C.W. in connection with the root canal procedure undertaken.

10. Licensee did not possess a permit, as required by Board rule 20 CSR 2110-4.040, to administer "deep sedation/general anesthesia" to J.C.W. in connection with the root canal procedure undertaken.

11. Licensee did not possess a "moderate sedation site certificate" or a "deep sedation site

certificate." for her dental office, as required by Board Rule 20 CSR 2110-4.020 and 20 CSR 2110-

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4.040 prior to administration of enteral and/or parenteral moderate sedation through or within said dental office.

12. The combination of medications prescribed by Licensee to J.C.W., resulted in, at minimum, a "enteral moderate" level of sedation as defined in Board Rule 20 CSR 2110-4.010.

13. When added to the maintenance medications that J.C.W. was already taking, the combination of medications prescribed by Licensee to J.C.W. resulted in J.C.W. experiencing a state of "deep sedation", as defined in Board Rule 20 CSR 2110-4.010.

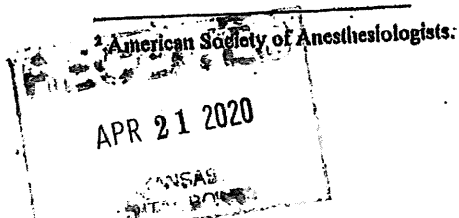
14. The combination of medications prescribed by Licensee to J.C.W., when added to J.C.W.'s maintenance medications, resulted in severe and lasting symptoms which caused J.C.W. to seek subsequent medical care.

15. A more competent and thorough health history of J.C.W. could have or should have made clear to Licensee that J.C.W. was at least in an ASA² "Class III" category for purposes of sedation risk assessment, pursuant to Board Rules 20 CSR 2110-4.010 and 20 CSR 2110-4.030, thereby precluding J.C.W. from being a candidate for enteral moderate sedation or deep sedation.

16. It is unlawful to administer either moderate enteral sedation or deep sedation without meeting the requirements for, and receiving, the permits required by Board Rule 20 CSR 2110-4.010 and Section 332.362, RSMo. 2016.

17. It is unlawful to administer either moderate enteral sedation or deep sedation without meeting the requirements for, and receiving, a moderate sedation site certificate and a deep sedation certificate for the dental clinic or office through which such sedation is to be administered.

18. Licensee did not keep a sedation record, including but not limited to any notation of vital signs being monitored during the procedure for the preoperative, intraoperative, and post-operative period, as required by Board Rule 20 CSR 2110-4.010(6).



19. Licensee did not have a minimum of three persons present during the sedation of J.C.W., and neither Licensee nor her sole assistant were trained or qualified to act as a sedation monitor or assistant. Assisting Licensee during the sedation and procedure administered to J.C.W. was only a dental student, who was not trained or qualified to serve as a dedicated monitoring assistant during the procedure, in violation of Board Rule 20 CSR 2110-4.010(6).

20. Licensee failed to have present and accessible, the appropriate equipment and medications required for administration of moderate or deep sedation, including but not limited to a suction system, pulse oximeter, and defibrillator, in violation of Board Rule 20 CSR 2110-4.010(12).

Negligent Prescription

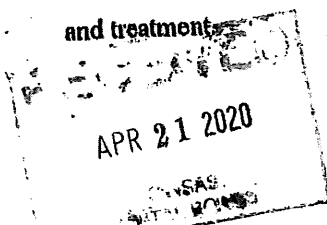
21. On the day of J.C.W.'s root canal procedure, April 24, 2017, J.C.W. and her husband, J.W., waited one hour or more before Licensee was finished with the patient ahead of J.C.W.

22. Licensee expressed to J.W. that she was concerned that that delay had allowed J.C.W.'s medications to wear off, and that she might not be adequately sedated for the procedure.

23. Licensee therefore wrote a prescription in J.W.'s name for twelve (12) tablets of Alprazolam, of which Licensee instructed J.W. to give J.C.W. two (2) of the Alprazolam tablets.

24. Licensee wrote the Alprazolam prescription in J.W.'s name because she was concerned the pharmacy would not fill the prescription if it was written in J.C.W.'s name, based on the other prescriptions she had previously written for J.C.W.

25. J.W. followed Licensee's instructions by filling the prescription, and then administered two Alprazolam tablets to J.C.W. before her root canal procedure had begun. J.W. followed these instructions only because he trusted Licensee because she was a licensed dentist rendering treatment to his wife, and he trusted in Licensee's professional expertise and judgment. Two days after the procedure, J.C.W. was still in a state of sedation, at which time J.W. took her to MLC for examination and treatment.



Conclusions of Law

26. The Board's disciplinary statute is found in Section 332.321, RSMo. 2016.³ This section states in relevant part as follows:

332.321. Refusal to issue or renew, revocation or suspension of license, grounds for, procedure — additional disciplinary actions. — 1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes: ***

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter; ***

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated hereunder; ***

(13) Violation of any professional trust or confidence; ***

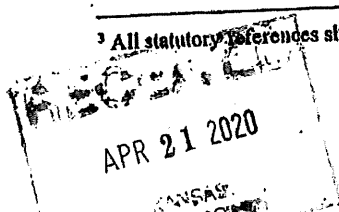
(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government; ***

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) Suspend the license, certificate or permit for a period not to exceed three years; or

³ All statutory references shall be to RSMo. 2016, unless otherwise noted.



(3) Revoke the license, certificate, or permit. In any order of revocation, the board may provide that the person shall not apply for licensure for a period of not less than one year following the date of the order of revocation[.]

(Emphasis added).

27. Section 332.361, RSMo. governs a licensed dentist's ability to prescribe and administer regulated and controlled drugs. It states as follows:

332.361. Dentist may prescribe, possess and administer drugs. — 1. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

2. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

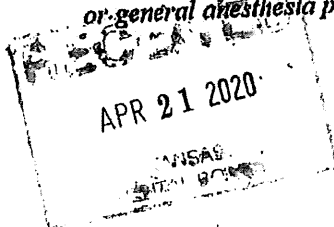
(3) *A bona fide dentist-patient relationship exists; and*

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

(Emphasis added).

28. Section 332.362, RSMo. sets forth the requirements for administration of sedation by licensed dentists. It states in relevant part as follows:

332.362. Dentists to have sedation or anesthesia permits — sedation or anesthesia prescribed or administered, how — site certificate required — rulemaking authority. — 1. *All duly registered and currently licensed dentists in Missouri who prescribe and administer deep sedation or general anesthesia agents in the course of providing dental services shall possess a deep sedation or general anesthesia permit issued by the board. All duly registered and currently licensed dentists in*



Missouri who prescribe and administer conscious sedation⁴ agents in the course of providing dental services shall possess a conscious sedation permit issued by the board.

2. Dentists prescribing or administering deep sedation or general anesthesia, or conscious sedation agents shall do so in accordance with rules set forth by the board.

3. Any dental office where deep sedation or general anesthesia or conscious sedation agents are administered shall possess a site certificate issued by the board and comply with the board's minimum standard for site certificates.

*4. The board may promulgate rules specifying the criteria by which deep sedation or general anesthesia permits, conscious sedation permits, and site certificates may be issued, renewed, or revoked and standards for prescribing and administering deep sedation or general anesthesia or conscious sedation agents within the dental setting. Such rules shall only apply to entities regulated under this chapter. * * **

(Emphasis added).

29. Pursuant to Section 332.362, the Board has promulgated detailed administrative rules establishing the definitions, standards, qualifications and permit requirements for all licensed Missouri dentists who administer deep sedation, general anesthesia, enteral minimal sedation, enteral moderate sedation, and parenteral moderate sedation. ("Sedation Rules"). In addition, the Board's Sedation Rules require permitting of the site, or office/clinic, where such forms of sedation are to be administered.

30. Cause exists for the Board to take disciplinary action against Licensee's license pursuant to § 332.321.2(5), RSMo, which states, in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

⁴ "Conscious sedation" is medically synonymous with "moderate sedation", "enteral moderate sedation", and "parenteral moderate sedation", as those terms are used in the Board's Sedation Rules.

d) Licensee failed to classify or document J.C.W.'s risk level for sedation following the ASA Classification guidelines (20 CSR 2110-4.030(4));

e) By failing to classify J.C.W.'s risk level for sedation following the ASA Classification guidelines, Licensee failed to determine that J.C.W. was in a high-risk classification, making her more likely to suffer adverse or fatal reactions to sedation (20 CSR 2110-4.030(4));

f) Licensee failed to acquire information detailing the maintenance or other medications that J.C.W. was taking prior to prescribing multiple sedative medications (20 CSR 2110-4.030(2));

g) Licensee failed to obtain informed, written consent from J.C.W. prior to administering sedation (20 CSR 2110-4.010(5));

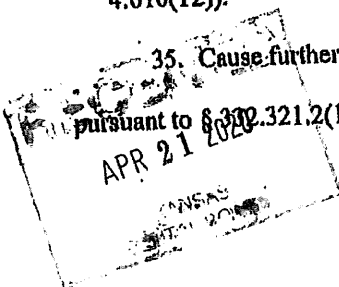
h) Licensee failed to keep a sedation record, including but not limited to any notation of vital signs being monitored during the sedation and root canal procedure on J.C.W. (20 CSR 2110-4.010(6));

i) Licensee failed to produce or keep any record of qualified personnel to monitor J.C.W. during her sedation and procedure, and did not keep any record of monitoring data (20 CSR 2110-4.010(6));

j) Licensee failed to have a minimum of three persons present during the sedation of J.C.W., and neither Licensee nor her sole assistant were trained or qualified to act as a sedation monitor or assistant (20 CSR 2110-4.010(6));

k) Licensee failed to have present and accessible, the appropriate equipment and medications required for administration and response to the risks associated with moderate or deep sedation, including but not limited to a suction system, pulse oximeter, and defibrillator (20 CSR 2110-4.010(12)).

35. Cause further exists for the Board to take disciplinary action against Licensee's license pursuant to § 302.321.2(12), RSMo, which states, in pertinent part:



2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated thereunder[.]

36. Licensee's conduct, in failing to have the required permits, constitutes a cause to discipline pursuant to Section 332.321.2(12), RSMo.

37. Cause further exists for the Board to take disciplinary action against Licensee's license pursuant to § 332.321.2(13), RSMo, which states, in pertinent part:

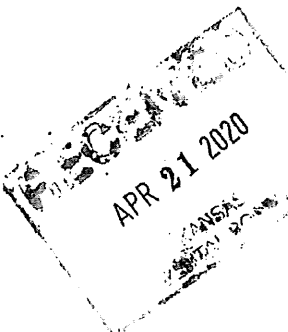
2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(13) Violation of any professional trust or confidence[.]

38. Licensee's conduct constitutes a violation of the professional trust and confidence to which both J.C.W. and J.W. were entitled, and on which they were acting in justifiable reliance before, during, and after the sedation and root canal procedure performed by Licensee on J.C.W.

39. Cause further exists for the Board to take disciplinary action against Licensee's license pursuant to § 332.321.2(15), RSMo, which states, in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:



(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government[.]

40. Section 195.070.1, RSMo, states:

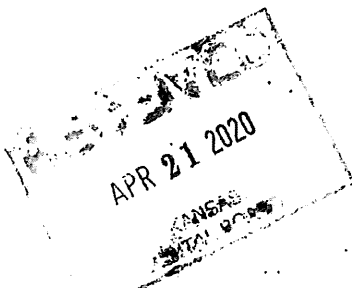
A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

Joint Agreed Settlement

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the resolution of this matter between Licensee, Jane M. Grove, D.D.S., and the Missouri Dental Board:

Surrender in Lieu of Discipline

1. Licensee agrees, in lieu of formal disciplinary action, to surrender to the Board her license, number 014075, under the terms and conditions set forth herein, no later than ten (10) days from the effective date of this settlement agreement. This settlement agreement is effective the date the document is signed by the Executive Director of the Board.
2. Licensee understands that the Board is offering this settlement agreement in lieu of further discipline beyond the voluntary surrender, and that the Board will, within ten (10) days following the effective date of this Agreement, dismiss its Complaint proceeding before the Missouri Administrative Hearing Commission, Case No. 19-0877.



3. Licensee understands that by surrendering her license pursuant to this Agreement, her license ceases to exist, and should she seek licensure as a Dentist in the State of Missouri in the future, she must meet the licensure requirements under the laws in effect at the time of such application.

4. Licensee understands that after surrendering her license, if she applies for licensure as a Dentist in the State of Missouri in the future, all information gathered by the Board prior to this surrender concerning any alleged violations of Chapter 332, RSMo, may and will be considered in the Board's decision of whether to grant a new license.

5. Within ten (10) days after Licensee's surrender of her license, Licensee shall return all indicia of Missouri licensure to the Board, and cease to represent herself in any fashion as a licensed dentist in the state of Missouri.

6. The parties to this Agreement understand that the Missouri Dental Board will maintain this Agreement as an open record of the Board as provided in Chapters 332, 610 and 324, RSMo.


7. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

8. Licensee, together with her heirs and assigns, and her attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution

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of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

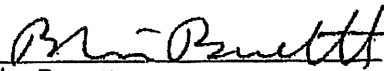
LICENSEE


JANE M. GROVE, D.D.S.

Date

02/19/2020

BOARD


Brian Barnett,
Executive Director
Missouri Dental Board

Date

3/12/2020

